

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE	*	CASE NO. 18-05846 MCF
	*	
ESPERANZA DE LA CRUZ	*	CHAPTER 13
	*	
<u>DEBTOR</u>	*	

**DEBTOR'S MOTION REQUESTING *ORDER DISMISSING CASE*  
DOCKET NO. 22 BE SET ASIDE/RECONSIDERATION**

**TO THE HONORABLE COURT:**

**COMES NOW, ESPERANZA DE LA CRUZ**, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. On November 26, 2019, this Honorable Court issued an *Order Dismissing Case*, Docket No. 22, whereby the above captioned case was dismissed for the Debtor's failure to maintain current Plan payments, incurring in arrears in the sum of \$1,720.00, as per a *Trustee's Motion to Dismiss*, Docket No. 21.
2. That the Chapter 13 Trustee filed a *Trustee's Motion to Dismiss*, Docket No. 21, stating that the Debtor was in arrears in the Plan payments in the sum of \$1,720.00.
3. That on the Debtor respectfully admits to the aforesated arrears and respectfully states that the reason for having incurred in these arrears is that the Debtor was temporarily unemployed and, thus, was unable to make the Plan payments for the months of July, August, September and October/2019.
4. That the Debtor was called back to work at her previous place of work, Department of Education, and on November 20, 2019, the Debtor commenced making payments to the Trustee to partially cure the Plan arrears.

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5. That the Debtor made the following recent payments to the Trustee:

---November 20, 2019      \$860.00 (\$430 x 2); Postal M.O. 26046622247

---December 02, 2019      \$430.00; Postal M.O. 26046664986.

6. That the Debtor is still in arrears in the confirmed Plan payments to the Trustee in the sum of \$860.00, which balance the Debtor will pay on or before the 16<sup>th</sup> of December, 2019, and inform the Court, accordingly.

8. The Debtor respectfully requests that the Court grant the present motion to set aside the Order dismissing case (Docket No. 22) and allow the Debtor to continue under the protection of this Honorable Court.

9. That in the present case, the Debtor partially cured the balance owed in the Plan arrears under the confirmed Plan. However, the Debtor forgot to timely reply and/or request an extension of time within to cure the balance on the Plan arrears.

10. This motion requesting order of dismissal be set aside/reconsideration is grounded on Rule 9024 of the Federal Rules of Bankruptcy Procedure, which applies Rule 60 of the Federal Rules of Civil Procedure.

11. Under Rule 60 (b) (1) and (6), within a reasonable time, a debtor may request the Court to relieve him from a final order for the following reasons: mistake, inadvertence, surprise, or excusable neglect and/or for any other reason justifying relief from the operation of the judgment. Rule 60 (b) (1) and (6) of the Federal Rules of Civil Procedure.

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12. The Debtor respectfully submits that the Debtor made partial payments to the Plan arrears (paid-in the sum of \$1,290.00) and partially cured the arrears as stated by the Trustee in his motion requesting dismissal, Docket No. 21 (reducing the arrears balance owed to \$860.00).

13. The Debtor respectfully prays the Court re-open and set aside the *Order Dismissing Case*, Docket no. 22, allowing the Debtor to pay the balance owed in the Plan arrears and continue under the protection of the Bankruptcy Court.

**WHEREFORE**, the Debtor respectfully requests this Honorable Court grant this motion and set aside/reconsider the November 26, 2019, *Order Dismissing Case*, Docket No. 22, entered in the above captioned case.

**NOTICE:** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**CERTIFY** that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notification of this motion to: Jose Ramon Carrion Morales, Esq., Chapter 13 Trustee; Monsita Lecaroz Arribas, Esq., United States Trustee's Office; and to all CM/ECF participants; I also certify that a copy of

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the same has been sent via US Mail to the Debtor Esperanza De La Cruz, Borinquen Park Apt 116 Caguas PR 00725, and to all creditors and parties in interest (CM/ECF non-participants) appearing in the Master Address List, hereby attached.

**RESPECTFULLY SUBMITTED**, in San Juan, Puerto Rico, this 06<sup>th</sup> day of  
December, 2019.

/s/Roberto Figueroa Carrasquillo  
USDC #203614  
RFIGUEROA CARRASQUILLO LAW OFFICE PSC  
ATTORNEY FOR the DEBTOR  
PO BOX 186 CAGUAS PR 00726-0186  
TEL NO 787- 744-7699 FAX 787-746-5294  
Email:rfc@rfigueroalaw.com





## CUSTOMER'S RECEIPT

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INFORMATION  
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Chicago IL 60680-1109

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Serial Number **26046622247** Year, Month, Day 2019-11-20 Post Office 007260 Amount \$860.00 Clerk 07



## POSTAL MONEY ORDER

Serial Number  
**26046622247**

Year, Month, Day 2019-11-20 Post Office 007260 U.S. Dollars and Cents

Amount \$860.00  
Eight Hundred Sixty Dollars and 00/100 \*\*\*\*\*

Pay to José R. Carrion  
Address P.O. Box 88109  
Chicago IL 60680-1109

From Esperanza de la Cruz  
Address Borinquen Park Apt 116  
Caguas P.R. 00725

Memo

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26046664986	2019-12-02	007260	\$430.00	01	



## POSTAL MONEY ORDER

Serial Number	Year, Month, Day	Post Office	U.S. Dollars and Cents
26046664986	2019-12-02	007260	\$430.00
Amount Four Hundred Thirty Dollars and 00/100 *****			
Pay to	Esperanza de la Cruz		Clerk 01
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Case 18-05846-MCF13  
District of Puerto Rico  
Old San Juan  
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US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

ACM CDGY VI REO LLC  
3144 S. WINTON ROAD  
ROCHESTER, NY 14623-2981

Autoridad Acueductos Y Alcantarillados  
PO Box 5729  
Caguas, PR 00726-5729

Autoridad de Energia Electrica  
PO Box 363508  
San Juan, PR 00936-3508

Cardona & Maldonado Law Offices PSC  
PO Box 366221  
San Juan, PR 00936-6221

Cond Borinquen Park Apartments  
Goyco Street  
Caguas, PR 00725

EOS CCA  
700 Longwater Dr ATT  
Norwell, MA 02061-1624

ER Solutions  
800 SW 39th St Sprint  
Renton, WA 98057-4927

Empresas Berrios Inc  
PO Box 674  
Cidra, PR 00739-0674

Nationwide Recovery  
2304 Tarpey Rd Ste 134 ATT Mobility  
Carrollton, TX 75006-2467

PREPA - BANKRUPTCY OFFICE  
PO BOX 364267  
SAN JUAN PR 00936-4267

RNPM LLC  
PO Box 194499  
San Juan, PR 00919-4499

ESPERANZA DE LA CRUZ  
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CAGUAS, PR 00726

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MONSITA LECAROS ARIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO  
PO BOX 186  
CAGUAS, PR 00726-0186

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